

Frequently Asked Questions (FAQs) Regarding Leave Options

March 10, 2020

OCHCO is releasing FAQs to assist supervisors with leave options for impacted employees because of the coronavirus (COVID-19). Since this is a continually evolving situation, please check back frequently for any updated information.

What leave options are available to employees who contract COVID-19?

If an employee contracts COVID-19, the same leave options are available as if the employee fell ill to another serious illness. First, the employee would be entitled to use their accrued sick leave. If the balance of accrued sick leave is insufficient to cover the period of absence, the employee may request advanced sick leave up to a maximum of 240 hours.

If an employee's accrued annual and sick leave balance would not be sufficient to cover the expected duration, then the employee may be eligible to receive transfer hours from the Voluntary Leave Transfer Program (VLTP), or, if they are a member of the Voluntary Leave Bank Program (VLBP), they may also submit a request for hours from the Leave Bank.

The NSSC has a Leave Programs Team dedicated to assisting employees with determining all leave options available to them based on their personal circumstances. The NSSC Leave Programs Team will be available to help all employees determine what type and how much leave is available for them in the event an employee or their family member is impacted by COVID-19. Additional guidance will be provided to each employee on how to code their timecards if participation in the VLTP or VLBP is warranted, or if advanced sick leave is approved. Consult with your supervisor and servicing HR office for additional leave guidance.

What leave options are available to employees who have a family member that contracts COVID-19?

If an employee is required to care for a family member with COVID-19, the rules for caring for a family member with a serious health condition apply. Under the Family Medical Leave Act (FMLA), an employee is entitled to use up to 12 weeks (480 hours) of paid or unpaid leave during any 12-month period to care for a family member with a serious health condition. If an employee has already used 13 days under FMLA for general family care, the 13 days must be subtracted from the 12 weeks. An employee is entitled to no more than a combined total of 12 weeks of FMLA leave during any 12-month period for all family care purposes.

If an employee's family member is symptomatic due to a quarantinable communicable disease, such as COVID-19, that would generally constitute a serious health condition, which would allow use of up to 12 weeks of paid or unpaid leave under FMLA to care for that family member. The amount of time permitted under FMLA for family care purposes is proportionally adjusted for part-time employees and employees with uncommon tours of duty in accordance with the average number of hours of work in the employee's regularly scheduled administrative workweek.

Consult with your supervisor and servicing HR office for additional leave guidance.

For additional information on this topic, please reference this fact sheet:

<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-to-care-for-a-family-member-with-a-serious-health-condition/>

What leave is available to an employee who is not sick, but is quarantined/isolated/restricted movement and not telework ready?

NASA has the authority to grant weather and safety leave to employees who are quarantined and unable to telework. All weather and safety leave that is granted must be documented on the employee's timecard under the hour code type XLV61 with a comment on the timecard of "Coronavirus Observation". If an employee is quarantined at the direction of a public health authority this type of leave would apply; however, if the quarantine is not at the direction of a public health authority, this type of leave may still be available to employees in appropriate circumstances. If employees are unsure if they are eligible for this type of leave, they should consult with their supervisor. All employees who are requesting this type of leave, should coordinate with their supervisor.

What happens if an employee is not ill but is unable to work due to a child being quarantined/isolated?

If the child lives with the employee, the employee should be quarantined/isolated as well since they come in direct contact with the child daily. It would be unreasonable to expect the child to be placed with a child care provider when they are quarantined/isolated due to COVID-19. In this instance, the employee would be quarantined/isolated as well, and may be eligible for telework. Employees in this situation who telework, should deduct any time spent providing child care from their total hours worked for the day. Consult with your supervisor and servicing HR office for additional leave guidance.

What happens if an employee is on annual leave and subsequently is isolated/quarantined due to COVID-19 during the period of annual leave that was requested?

The employee should still code their timecard to annual leave. At the supervisor's discretion, if the employee elects to cancel their request for annual leave, the supervisor should allow the option for telework. In no circumstance should the employee return to a NASA Center to obtain belongings needed to be telework ready once the period of quarantine/isolation starts. In addition, in no circumstance should a supervisor or other NASA employee visit the employee to provide equipment needed for the employee to be telework ready e.g., laptop.

What options are available if an employee became infected with the COVID-19 while in the performance of Duty?

A federal employee who contracts the COVID-19 while in the performance of duty may be covered by the Federal Employees Compensation Act (FECA) for all related medical treatment and wage loss related to the condition. Employees claiming an injury due to contact with COVID-19 must provide a medical report from a qualified physician reflecting a positive test

result that fully explains the exposure and its relation to employment and any related period of disability. Exposure to COVID-19 alone does not constitute a work-related injury entitling an employee to medical treatment. Contact the NSSC Workers' Compensation Team for information on filing a workers' compensation claim.

In light of the quick transmission of both COVID-19 and this year's flu, should the doctor's note after 3 sick days policy be suspended to prevent early return to work by ill employees which potentiates transmission and inundates local health providers? Also, will the agency rescind the requirement for a doctor's note clearing the patient to return to work?

Supervisors may at their discretion waive the requirement for employees to provide a medical note if absent from work more than 3 days. Supervisors may consider an employee's self-certification as to the reason for the absence as administratively acceptable evidence, regardless of the duration of the absence. However, if an employee has been diagnosed with the COVID-19 virus, employees are strongly encouraged to obtain medical certification documenting that the employee may return to work.

Current posture is any employee returning from impacted countries self-quarantine for 14 days. Should this be extended to include anyone residing in the employee's home that returns from these areas also trigger the employee to self-quarantine? Would these cases also be covered under the telework agreement?

If someone residing in an employee's home returns from an area which requires self-quarantine, the employee should be quarantined/isolated as well since they come in direct contact with the individual daily. In this instance, the employee would be quarantined/isolated as well, and maybe eligible for telework. If a family member shows symptoms during the 14-day self-quarantine, the specifics of the case will need to be reviewed before assessing when an employee may return to work. Employees in this situation who telework, should deduct any time spent providing care for a sick family member from their total hours worked for the day. Consult with your supervisor and servicing HR office for additional leave guidance.

What options will be available to employees whose primary, and potentially secondary, child care facilities (both on center and within the school district/community) close? Will there be options to telework outside the core business hours to accommodate child care duties so employees don't feel obligated to rescind their telework agreement?

Employees may be allowed to telework but should deduct any time spent providing child care from their total hours worked for the day. Consult with your supervisor and servicing HR office for additional telework guidance.